

**ASSEMBLY BILL**

**No. 1316**

**Introduced by Assembly Member Salinas**

February 22, 2005

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An act to add and repeal Section 129771 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as introduced, Salinas. Health facilities: construction.

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires the Office of Statewide Health Planning and Development (OSHPD) to assume duties relating to construction and alteration of hospital buildings, including, but not limited to, review and approval of construction plans, in order to ensure that the buildings would be reasonably capable of providing services after a disaster.

This bill would, until January 1, 2012, authorize a public hospital governing board to retain an independent plan reviewer (IPR) to review its plan prior to submitting it to OSHPD for projects over \$25,000 in construction costs. The bill would establish plan review criteria and would require the adoption of related emergency regulations, including, but not limited to, regulations establishing IPR qualifications and certification standards.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 129771 is added to the Health and  
2 Safety Code, to read:

3 129771. (a) (1) The governing board of a public hospital  
4 may retain an independent plan reviewer (IPR), approved by the  
5 office, to review its plan prior to submission to the office for any  
6 project over twenty-five thousand dollars (\$25,000) in  
7 construction costs, as part of this plan review process.

8 (2) (A) The IPR shall perform a plan review of the project.  
9 Written plan review comments shall be provided to the hospital  
10 governing board. The hospital governing board or its designee  
11 shall respond to the IPR comments in writing.

12 (B) The IPR shall provide the office with copies of the plans  
13 with the plan review comments at the same time they are  
14 provided to the hospital governing board or its designee.

15 (C) The hospital governing board shall provide the office with  
16 copies of the plans with response to plan review comments at the  
17 same time they are provided to the IPR.

18 (D) The office may review and comment on the plan review  
19 comments made by the IPR and on the hospital governing board's  
20 response.

21 (E) When the IPR determines that the hospital governing  
22 board's plans are complete and comply with all applicable  
23 California Building Standards Code requirements, the IPR shall  
24 issue a certification and the hospital governing board shall submit  
25 the application and the certified plans to the office for review.

26 (3) (A) Except as provided in subparagraph (G), the office  
27 shall perform a review of the certified plans and supporting  
28 design data within 60 days of submission.

29 (B) If the office identifies any noncompliance with structural,  
30 nonstructural bracing, or fire and life safety requirements of the  
31 California Building Standards Code or other noncompliance that  
32 impacts structural, nonstructural bracing, or fire and life safety  
33 conditions, the office shall return the certified plans to the  
34 hospital governing board for correction. If the hospital governing  
35 board resubmits the corrected plans to the office within six  
36 months from the date the office returned the plans to the hospital  
37 governing board for correction, the office shall review the  
38 corrected plans within 60 days. If the hospital governing board

1 resubmits the corrected plans to the office after six months, the  
2 office shall treat the corrected plans as a new application.

3 (C) If the office does not identify any noncompliance with the  
4 IPR's certified submission or resubmission, the office shall issue  
5 a plan approval.

6 (D) If the office identifies any noncompliance with any code  
7 requirements other than structural, nonstructural bracing, or fire  
8 and life safety requirements that do not impact the structural,  
9 nonstructural bracing, or fire and life safety conditions, the office  
10 shall inform the hospital governing board, issue a plan approval,  
11 and, during construction, the hospital governing authority shall  
12 remedy the noncompliance, and the office shall verify that the  
13 noncompliances were corrected. The office shall not permit  
14 occupancy or use of space if any noncompliance is not remedied.

15 (E) The office may audit the review procedures and results of  
16 the IPR plan reviews. If the audit uncovers a plan review error or  
17 use of unlicensed or unqualified personnel, the office may  
18 terminate its approval of the IPR at any time during or after the  
19 review process.

20 (F) Prior to retaining an IPR, the hospital governing board  
21 shall notify the office of the scope of its project and the scope of  
22 the IPR review, the name of the IPR, and the names and  
23 qualifications of the IPR staff.

24 (G) The Legislature understands that some projects are so  
25 complex that the 60-day deadlines for review of certified or  
26 corrected plans, as described in subparagraphs (A) and (B), may  
27 not be achievable. In all cases, the hospital owner and the office  
28 may negotiate a mutually agreeable timeframe for review of  
29 IPR-certified plans or corrected plans. However, in no case shall  
30 total time required for review of IPR-certified or corrected plans  
31 exceed 160 days.

32 (b) The office shall establish criteria for approving any person,  
33 corporation, legal entity, or local governmental entity, qualified  
34 to provide architectural, structural, mechanical, electrical, fire,  
35 and life-safety plan review of a hospital project, as an IPR under  
36 this section.

37 (c) The office shall adopt within 90 days after the effective  
38 date of the act that added this section, regulations to establish the  
39 following:

1 (1) IPR qualifications and certification process pursuant to  
2 subdivision (b).

3 (2) IPR plan approval process pursuant to paragraph (2) of  
4 subdivision (a).

5 (d) The adoption, amendment, repeal, or readoption of a  
6 regulation authorized by this section is deemed to be necessary  
7 for the immediate preservation of the public peace, health and  
8 safety, or general welfare, for the purposes of Sections 11346.1  
9 and 11349.6 of the Government Code, and the office is hereby  
10 exempted from the requirement that it describe specific facts  
11 showing the need for immediate action.

12 (e) As used in this section, “public hospital” means any  
13 hospital owned and operated by a city, county, city and county,  
14 health care district, or the University of California.

15 (f) Due to the short-term nature of the projected workload  
16 peak, this section shall remain in effect only until January 1,  
17 2012, and as of that date is repealed, unless a later enacted  
18 statute, that is enacted before January 1, 2012, deletes or extends  
19 that date.

20 SEC. 2. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety  
22 within the meaning of Article IV of the Constitution and shall go  
23 into immediate effect. The facts constituting the necessity are:

24 In order to ensure that public hospitals meet seismic mandates  
25 with the minimum of delay and costs, while minimizing the  
26 increasing workload for the Office of Statewide Health Planning  
27 and Development, it is necessary that this act take effect  
28 immediately.